

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: APU	CCRB Case #: 201707574	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/12/2017 5:00 PM	Location of Incident: 34th Precinct stationhouse	Precinct: 34	18 Mo. SOL 3/12/2019	EO SOL 3/12/2019	
Date/Time CV Reported Thu, 09/14/2017 3:03 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/14/2017 3:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Angela Polancobrito	04956	939240	034 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Gypsy Pichardo	02623	942353	034 PCT
2. POM Paul Acosta	107	954461	034 PCT
3. POM Matthew Pena	25966	933160	034 PCT
4. POM Pedro Figueroa	14953	950409	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Angela Polancobrito	Discourtesy: Police Officer Angela Polanco-Brito spoke discourteously to § 87(2)(b) and § 87(2)(b)	
B. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	

Case Summary

On September 14, 2017, § 87(2)(b) filed this complaint with the CCRB over the phone.

On September 12, 2017, at 5:00 p.m., § 87(2)(b) went to the 34th Precinct stationhouse with his sister, § 87(2)(b) and brother, § 87(2)(b) to exchange custody of his child with § 87(2)(b) the mother of the child. § 87(2)(b) had an order of protection against § 87(2)(b) so § 87(2)(b)'s brother and sister exchanged custody for him at the stationhouse while he waited down the street. After exchanging the child, § 87(2)(b) remembered that he left a bag containing newly purchased clothes for himself on the stroller. § 87(2)(b) approached § 87(2)(b) who was standing outside of the stationhouse. Upon seeing § 87(2)(b) § 87(2)(b) walked into the stationhouse and § 87(2)(b) followed her and repeatedly asked for the bag. Inside the stationhouse, PO Angela Polanco-Brito made the statement to both § 87(2)(b) and § 87(2)(b) "You both have a child both of you should be concerning about better than being fucking each other and bothering each other." (**Allegation A: Discourtesy**, § 87(2)(g)). § 87(2)(b) was arrested for § 87(2)(b). § 87(2)(b)'s property was given to § 87(2)(b). When § 87(2)(b) retrieved his property from her he noticed that his phone screen was cracked. (**Allegation B: Abuse of Authority**, § 87(2)(g)).

Video footage of this incident was received from § 87(2)(b). The video was recorded by § 87(2)(b) and it captures Allegation A. Additional video evidence was obtained from PO Polanco-Brito's body camera.



201707574 Cellphone.MOV



201707574 Body Camera.AVI

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Angela Polanco-Brito spoke discourteously to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) stated that he went to the 34th Precinct stationhouse to exchange custody of his child with § 87(2)(b) who has an order of protection against him. § 87(2)(b) accidentally left a bag containing recently purchased items on the stroller that was given to § 87(2)(b) so he approached § 87(2)(b) who was outside of the stationhouse and requested the bag. § 87(2)(b) refused to provide the bag and she and § 87(2)(b) entered the stationhouse. PO Polanco-Brito began yelling at § 87(2)(b) and § 87(2)(b) stating, "You two have a child, you shouldn't be fucking each other." PO Polanco-Brito told § 87(2)(b) to follow her into the back of the stationhouse and took him into a back room. PO Polanco-Brito started yelling at § 87(2)(b) again, stating, "I'm fucking tired of this. I shouldn't be dealing with this. You keep fucking up. This is a lesson that you're going to have to learn." § 87(2)(b) was then placed into a cell. While § 87(2)(b) was in the holding cell he asked when he was

going to get his phone call and if he could speak with his attorney. PO Polanco-Brito became agitated and stated, “You’re going to get your fucking phone call, just hold on,” and, “You think you know the law? I’m not going to deal with this. We’re going to deal with each other by the book.” § 87(2)(b) asked PO Polanco-Brito for a cup of water and she called him “diablo,” which meant devil in Spanish.

§ 87(2)(b) stated that she realized that § 87(2)(b) had left a bag on the stroller. § 87(2)(b) went to PO Polanco-Brito who was standing outside and explained to her that § 87(2)(b) had forgotten his bag, and that he was supposed to have been arrested for a prior violation of her order of protection. PO Polanco-Brito did not know about the prior report, but stated that she would go inside to figure out what was going on. PO Polanco-Brito told § 87(2)(b) not to give § 87(2)(b) the bag while outside of the stationhouse. § 87(2)(b) approached § 87(2)(b) and requested the bag. § 87(2)(b) walked into the stationhouse and § 87(2)(b) followed. When inside of the stationhouse, PO Polanco-Brito told § 87(2)(b) and § 87(2)(b) that they both needed to stop the “back and forth,” because they had a child together. PO Polanco-Brito told § 87(2)(b) that he needed to stop bothering § 87(2)(b) as § 87(2)(b) did nothing to him. § 87(2)(b) did not initially recall PO Polanco-Brito using profanity when speaking with them; however, after watching the video provided by § 87(2)(b) § 87(2)(b) confirmed that PO Polanco-Brito made the statement, “You both have a child both of you should be concerning about better than being fucking each other and bothering each other.” PO Polanco-Brito then brought § 87(2)(b) into a room located in the back of the stationhouse. § 87(2)(b) who was in the public area of the stationhouse, was able to hear PO Polanco-Brito yelling at § 87(2)(b) stating, “Why do you do this? Why won’t you leave her alone?” § 87(2)(b) did not hear PO Polanco-Brito use any profanity.

§ 87(2)(b) who filmed the incident, stated that after § 87(2)(b) and § 87(2)(b) entered the stationhouse, that PO Polanco-Brito began yelling at § 87(2)(b) and § 87(2)(b) stating, “They have a child, and instead of paying attention to the child they’re fucking each other.” § 87(2)(b) explained that she filmed the video for protection against false accusations from § 87(2)(b).

PO Polanco-Brito stated that she got frustrated with both § 87(2)(b) and § 87(2)(b) because they frequently file reports against each other, and yelled at them, “I’m tired of both of you. You guys are doing all these things, and this child is the one paying the consequence.” PO Polanco-Brito made this statement because she was concerned about their child. PO Polanco-Brito did not remember if she used any profanity when speaking with § 87(2)(b) or § 87(2)(b). PO Polanco-Brito did not remember if she made the statement, “I’m fucking tired of this, I shouldn’t be dealing with this, you keep fucking up, this a lesson that you’re going to have to learn.” PO Polanco-Brito did not recall making the statement, “I’m tired of this bullshit. I’m tired of all this stuff that’s going on, someone is going to get hurt.” PO Polanco-Brito did not recall using any profanity with § 87(2)(b) while they were in the juvenile room. PO Polanco-Brito did not remember if she made the statement, “You’re going to get your fucking phone call just hold on.” PO Polanco-Brito did not call § 87(2)(b) “diablo,” which she explained meant devil in Spanish.

[REDACTED]

[REDACTED]

§ 87(2)(g)

Allegation (B) Abuse of Authority: An officer damaged § 87(2)(b)'s property.

§ 87(2)(b) alleged that after being arrested he requested that his belongings be given to § 87(2)(b). Upon receiving his cellphone back from § 87(2)(b) the screen was cracked. The screen was not cracked when § 87(2)(b)'s phone was taken from him at the stationhouse. § 87(2)(b) believed that PO Polanco-Brito had broken the phone in an attempt to intimidate him; however, he did not witness this.

§ 87(2)(b) stated that she saw § 87(2)(b) being searched at the front desk. She witnessed § 87(2)(b)'s money be counted and given back to him. She believed that the rest of § 87(2)(b)'s belongings were given to § 87(2)(b). § 87(2)(b) did not see PO Polanco-Brito damage § 87(2)(b)'s phone. She did not see if PO Polanco-Brito dropped § 87(2)(b)'s phone.

§ 87(2)(b) stated that she signed for § 87(2)(b)'s belongings. § 87(2)(b)'s phone was cracked when she received it; however, she did not know if it was cracked prior to the incident so she did not say anything to PO Polanco-Brito about the damaged phone.

The cellphone video does not show this allegation. PO Polanco-Brito's body camera footage shows that a male officer searched § 87(2)(b) and removed his belongings at the front desk. § 87(2)(b)'s belongings are not in view of the camera. The video does not show § 87(2)(b)'s phone being damaged. **(Board Review 3) (Board Review 4)**

PO Polanco-Brito stated that she took § 87(2)(b) to the front desk to be processed. Male officers searched § 87(2)(b). PO Polanco-Brito did not initially recall which officers they were, but later identified the officer who searched § 87(2)(b) as PO Acosta via her body camera video. § 87(2)(b)'s pockets were searched incident to his arrest. PO Polanco-Brito did not recall what items § 87(2)(b) had on him including a cellphone. PO Polanco-Brito denied damaging § 87(2)(b)'s phone. PO Polanco-Brito was shown a photo of § 87(2)(b)'s phone and she did not recognize it. PO Polanco-Brito did not vouch for § 87(2)(b)'s belongings. She did not recall if she returned his items to a family member.

PO Acosta did not initially recall the incident. PO Acosta was shown PO Polanco-Brito's body camera footage and he identified himself as the officer who searched § 87(2)(b). PO Acosta did not recall what items § 87(2)(b) had on him, but stated that he was not involved in the arrest, and that he was only asked to search § 87(2)(b) because he was a male. PO Acosta did not vouch for § 87(2)(b)'s property, and did not touch the property after removing it from § 87(2)(b)'s pockets and putting it onto the desk. PO Acosta denied damaging § 87(2)(b)'s phone.

Civilian and Officer CCRB Histories

- PO Polanco-Brito has been a police officer with the NYPD for 12 years and has had 49 allegations made against her. She has six substantiated allegations. In CCRB case number 200614102 an allegation of force-pepper spray was substantiated and she received a penalty of command discipline B. In case 200818612 an allegation of discourtesy-word was substantiated and she was cited for failure to prepare a memo book entry and received a penalty of command discipline B. In CCRB case 201016396 allegations of force-nightstick as club and abuse-retaliatory summons were substantiated and received charges. PO Polanco-Brito pled guilty and was suspended for 32 days and forfeited 20 vacation days as a result. In CCRB case 201610553 an allegation of abuse-retaliatory summons was substantiated and she received a penalty of command discipline B.

§ 87(2)(g)

- In CCRB case number 200610522, which was closed as complainant uncooperative, it was alleged that PO Polanco-Brito stated, "Get off that fucking phone."
- In CCRB case number 200614102, which was substantiated and received charges, PO Polanco-Brito allegedly made the statements, "Here take your cup so that I can prove to you that I am not the bitch you think I am," and "I don't give a fuck who died, you going to wait until I'm done." The discourtesy allegations were closed respectively as unsubstantiated and victim unavailable.
- In CCRB case number 200818612, which was closed as substantiated, PO Polanco-Brito allegedly told a civilian, "No, get back in the fucking car."
- In CCRB case number 200902523, which was closed as unsubstantiated, PO Polanco-Brito allegedly made the statement, "shut the fuck up."
- In CCRB case number 200914287, which was closed as unsubstantiated and victim uncooperative, PO Polanco-Brito allegedly made the statement, "What the fuck are you doing here? Get the fuck out of here. Push the fuck back. You are so irresponsible. Your son is supposed to be sleeping. You need to get the fuck out of here," and, "Hang up the fucking phone."
- In CCRB case number 201014568, which was closed as complainant uncooperative, PO Polanco-Brito allegedly made the statement, "Bitch, you better not walk close, because I'm going to spray you with this pepper spray," and, "I don't give a fuck. Get the fuck away."
- In CCRB case number 201016396, which was closed as unsubstantiated, PO Polanco-Brito allegedly made the statement, "shut the fuck up."
- In CCRB case number 201510553, which was closed as unsubstantiated, PO Polanco-Brito allegedly used the word "bullshit" multiple times while speaking with civilians.

- § 87(2)(b) has been party to one prior CCRB complaint and has been named as a victim in two allegations. **(Board Review 06):**
 - § 87(2)(b)
- § 87(2)(b) has been party to one prior CCRB complaint and has been named as a victim in one allegation. **(Board Review 07):**
 - § 87(2)(b)

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to an arrest without a DAT.
- On March 1, 2018, an inquiry was filed with the New York City Comptroller's Office to locate a notice of claim for § 87(2)(b) and § 87(2)(b). Results are pending. **(Board Review 08)**
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. **(Board Review 18)**
- § 87(2)(b)

Squad No.: 13

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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